

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

HEATHER GEARY,

Plaintiffs,

v.

UC HEALTH, et al.,

Defendants.

Case No. 1:13-cv-300

Dlott, J.  
Bowman, M.J.

**REPORT AND RECOMMENDATION**

Plaintiff initiated this litigation *pro se* on May 6, 2013. On May 29, 2013, Defendants Drake Center and UC Health moved to dismiss for failure to state a claim. Defendants withdrew that motion as moot when, after obtaining counsel, Plaintiff filed an amended complaint on June 14, 2013. (Docs. 13, 15). Subsequently, Plaintiff sought and was granted leave to file a second amended complaint. (Docs. 20, 21). On January 24, 2014, Defendants moved to dismiss two of the claims included in Plaintiff's second amended complaint: specifically, claims for fraud and negligence. (Doc. 23). On March 14, 2014, Plaintiff filed a Notice of her agreement to strike or withdraw her fraud and negligence claims against the Defendants. (Doc. 27).

Accordingly, **IT IS RECOMMENDED THAT:**

In light of Plaintiff's withdrawal of her fraud or negligence claims, Defendants' motion to dismiss those two claims (Doc. 23) should be denied as moot.

s/Stephanie K. Bowman  
Stephanie K. Bowman  
United States Magistrate Judge

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation ("R&R") within **FOURTEEN (14) DAYS** of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent's objections within **FOURTEEN (14) DAYS** after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981).